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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Promotion and protection of the right to freedom of opinion and expression

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue, submitted in accordance with Human Rights Council resolution 25/2.

* A/69/150.
** The present document was submitted late owing to the need to consult partners.

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Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Summary

In the present report, submitted in accordance with Human Rights Council resolution 25/2, the Special Rapporteur focuses on the right of the child to freedom of expression. He calls for a greater focus by the international community and States on children's right to freedom of expression and access to information, while noting with concern the adoption of various restrictive measures allegedly aimed at protecting children from harmful information.

I. Introduction

1. In the present report, submitted in accordance with Human Rights Council resolution 25/2, the Special Rapporteur focuses on the right of the child to freedom of expression.

2. In the Convention on the Rights of the Child, the recognition of children as full subjects of rights is underscored. In accordance with the Convention, it is not acceptable to use the immaturity of children as a justification for depriving them of rights that would otherwise be enjoyed only by adults. Children are not mini-human beings, with mini-human rights. On the contrary, the Convention expands on the protection of children's civil and political rights and sets out some specific measures to ensure that every child develops his or her personality to the fullest potential. Also according to the Convention, the right to freedom of expression should be exercised progressively as the child matures.

3. Nobody questions the importance of protecting children from harm and the duty of adults to guide children. All too often, however, the possible risks that children face as a consequence of their young age and relative immaturity are overstated and used as an excuse for unduly restricting the rights of both adults and children to freedom of expression. These restrictions may emerge from vague and broad definitions of what constitutes harmful information or simply be perpetuated through the tacit acceptance of authoritarian attitudes in schools, families and society in general.

4. If the Internet is widely recognized as an indispensable tool for promoting development and human rights, it also stands to reason that the Internet is an indispensable tool for children. Concerns have emerged, however, about the use of these tools for violent or abusive purposes. Widespread restrictions on the use of digital communications and censorship are not only unacceptable but also ineffective solutions to these concerns. Human rights norms call for a balanced approach where restrictions on communications conform to strict tests of necessity and proportionality.

5. In the present report, the Special Rapporteur describes how the right of the child to freedom of expression is articulated in international human rights treaties, paying particular attention to the Convention on the Rights of the Child. He then details important obstacles to the realization of this right, including direct restrictions on children's rights to freedom of expression and access to information, as well as blanket restrictions that ostensibly aim to protect children but in effect limit adults' freedom of expression. He also describes some experiences of protecting and promoting children's right to freedom of expression. Given the unparalleled impact of the Internet on contemporary societies, the Special Rapporteur discusses the importance of new technologies for the promotion of children's rights and some specific concerns that are emerging in this domain. Lastly, he concludes by providing recommendations on the alignment of national laws and practices with relevant standards established by international human rights law.

II. Activities of the Special Rapporteur

6. During the reporting period, the Special Rapporteur continued to participate in national and international events relating to the right to freedom of opinion and expression. In July 2014, the Special Rapporteur presented his latest annual report to the Human Rights Council (A/HRC/26/30), in which he addressed freedom of expression in elections and the regulation of political communications. Before that, in April, he presented his reports on his visits to Montenegro (A/HRC/26/30/Add.1), the former Yugoslav Republic of Macedonia (A/HRC/26/30/Add.2) and Italy (A/HRC/26/30/Add.3). Also during the twenty-sixth session of the Council, the Special Rapporteur participated in a panel discussion on the safety of journalists and in side events on the safety of journalists, freedom of expression in elections and the space for civil society.

7. As he concluded his term as mandate holder, the Special Rapporteur reiterated his regret at the lack of response from Indonesia and Pakistan to his attempts to set up dates for a visit despite having received formal invitations from both countries in 2012. Requests for visits to the following countries also remained pending: Iran (Islamic Republic of) (requested in February 2010), Sri Lanka (requested in June 2009), Thailand (requested in 2012), Uganda (requested in May 2011) and Venezuela (Bolivarian Republic of) (requested in 2003 and 2009).

8. To prepare the present report, the Special Rapporteur reviewed relevant studies and consulted experts on the right of children to freedom of expression. The report also benefited from information compiled by the Child Rights International Network. In addition, the Special Rapporteur organized expert consultations on the topic in Rio de Janeiro (Brazil), Florence (Italy), Mexico City and Johannesburg (South Africa).

III. Right of children to freedom of expression

A. Right to freedom of expression in international human rights law

9. Freedom of expression is enshrined in all international and regional human rights instruments on civil and political rights.[1] In article 19 of the International Covenant on Civil and Political Rights, it is recognized that everyone has the right to freedom of expression, which includes the right to seek, receive and impart information and ideas of all kinds regardless of frontiers. All forms of expression and the means of their dissemination are protected under that article (see para. 2). This right includes the expression and receipt of communications of every kind of idea and opinion that can be transmitted to others, subject to the limitations set out in articles 19, paragraph 3, and 20 of the Covenant.

10. Traditionally, the right to freedom of expression has not been associated with children, even though, as individuals, children benefit from all of the civil rights

[1] See article 19 of the Universal Declaration of Human Rights, article 19 of the International Covenant on Civil and Political Rights, article 10 of the European Convention on Human Rights, article 13 of the American Convention on Human Rights and article 9 of the African Charter on Human and Peoples' Rights.

enunciated in the Covenant.[2] Earlier international instruments dealing with children, such as the Geneva Declaration on the Rights of the Child of 1924 and the Declaration of the Rights of the Child (General Assembly resolution 1386 (XIV)), did not include any reference to this right, on the assumption that children were not able, because of their immaturity, to make meaningful choices. The Convention on the Rights of the Child marks a watershed in the protection of the rights and the inherent dignity of children. Unlike previous international legal instruments, the Convention promotes a dramatic shift in emphasis, from an approach based on the obligations of adults towards children (see the Declaration of the Rights of the Child) to one focusing on the child as a rights-holder.

B. Article 13: the right of the child to freedom of expression

11. The Convention on the Rights of the Child is the first international legal instrument proclaiming the right of children to freedom of expression.[3] The wording of article 13 closely follows that of article 19, paragraphs 2 and 3, of the International Covenant on Civil and Political Rights. According to some, there is little value in article 13 itself, since it was simply "lifted" from article 19 of the Covenant with little attempt to apply it to children.[4] However, read in conjunction with the provisions set out in articles 12 and 17 of the Convention, which protect the right to be heard and the right to have access to information, article 13 provides a level of protection to the child's right to freedom of expression that is comparable, if not superior, to that afforded by article 19 of the Covenant.

12. There is no reference in article 13 to the child's evolving capacities, nor is a minimum age or a certain degree of maturity for the exercise of the right to freedom of expression fixed. In this sense, freedom of expression has been regarded as having a developmental aspect, since its aim is to enable children to develop their minds and themselves in society with others and grow into citizens participating in public life.[5] Children's freedom of expression does not — and cannot — start when children become capable of expressing their views autonomously or become teenagers; they cannot be expected to develop as autonomous beings and participants in society at the magical age of 18 years without having had the opportunity beforehand.[4]

13. Nevertheless, children are not adults, and the fact that they have evolving capacities cannot be avoided. This principle, enshrined in article 5 of the Convention on the Rights of the Child, simply reflects the need to take children's "childness" into account, as well as the fact that children evolve and exercise their rights differently from adults. The role accorded to parents and others responsible for the child under article 5 of the Convention suggests that, in practice, children's enjoyment of their right to freedom of expression may not be as expansive as that of adult holders of similarly expressed rights under non-child-specific international

[2] *Official Records of the General Assembly, Forty-fourth Session, Supplement No. 40* (A/44/40), annex VI, para. 2.

[3] See also article 7 of the African Charter on the Rights and Welfare of the Child, which entered into force in 1999.

[4] Sylvie Langlaude, "On how to build a positive understanding of the child's right to freedom of expression", *Human Rights Law Review*, vol. 10, No. 1 (2010), pp. 33-66.

[5] Herdís Thorgeirsdóttir, *A Commentary on the United Nations Convention on the Rights of the Child: Article 13 — The Right to Freedom of Expression* (Martinus Nijhoff Publishers, 2006).

human rights instruments.[6] The exercise of the right to freedom of expression expands as children mature, whereas the appropriate direction and guidance provided by parents under article 5 diminishes correspondingly.[4]

14. Although the wording of article 13 of the Convention generally follows that of article 19 of the Covenant, certain provisions are omitted. First, article 13 does not include the right to hold opinions without interference, provided in article 19, paragraph 1, of the Covenant. It may be reasoned, however, that this right is implied in article 13, paragraph 1, or covered either by article 12 or article 14 of the Convention.[7] Secondly, article 13 does not include the first sentence of article 19, paragraph 3, of the Covenant: "The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities." The inclusion of this sentence, which was introduced in the Covenant because of the powerful influence of modern media of expression, was apparently not found necessary with regard to the child's freedom of expression.[7]

15. The scope of the right to freedom of expression is quite wide. According to the Committee on the Rights of the Child, article 13 of the Convention confers a right that can be exercised not only against the State, but also within the family, in the community, at school, in public policy decisions and in society.[4]

16. The family, in particular, is regarded as one of the most important pillars in realizing the rights of the child to freedom of expression. It is widely acknowledged that parents assume the primary responsibility for the upbringing and development of their child, and hold the child's best interests as a fundamental concern. The Committee encourages the implementation of a participatory family structure in which a child learns to freely express his or her views, and thus becomes equipped with the skills necessary to participate in society. The duty of family members includes the obligation to hear the child's views and take them seriously and to support children in the realization of their rights under the Convention (see CRC/C/43/3, paras. 999-1,002).

Right to seek information

17. The right to seek information set out in article 13, paragraph 1, of the Convention on the Rights of the Child has often been associated with the right to access to information, in particular information held by public authorities. This right is also closely related to the provisions of article 17 of the Convention, which aims to ensure that children have access to information and material from a diversity of national and international sources.

18. Seeking and accessing information is essential for the child's development and represents an essential precondition for participating in social life. Therefore, the Committee on the Rights of the Child has construed this right as imposing a positive obligation on States to provide access to information held by public authorities. The Human Rights Committee has observed that, to give effect to this right, States should make every effort to ensure easy, prompt, effective and practical access to information of public interest, and enact the necessary procedures, whereby one may

[6] Aoife Nolan, *Human Rights Law in Perspective: Children's Socio-Economic Rights, Democracy and the Courts* (Oxford, Hart Publishing, 2011).

[7] Sharon Detrick, *A Commentary on the United Nations Convention on the Rights of the Child* (Martinus Nijhoff Publishers, 1999).

gain access to information, such as by means of freedom of information legislation (see CCPR/C/GC/34, para. 19).

Right to receive information

19. The child also has the right to receive information and ideas of all kinds. The Committee on the Rights of the Child does not often refer to this provision in its concluding observations and recommendations. The only emerging principles are that measures must be taken to acquaint children with different cultures, that the media must help children to learn about other civilizations and that steps should be taken to encourage the publication, dissemination and availability of children's literature to all children.[4]

20. The right to receive information is closely linked to the provisions of article 28, according to which States parties recognize the right of the child to education, and article 29, in which it is emphasized that education of the child shall, inter alia, aim at the development of the child's personality, talents and mental and physical abilities to their fullest potential.

Right to impart information

21. Lastly, children have the right to impart information to others. As is the case for the right to receive information, there are few references to this right in the jurisprudence of the Committee on the Rights of the Child. The Committee has stated, for example, that children have the right to contribute to children's magazines, television and other media, to engage in political activities both within and outside the school and to set up Internet chat rooms.[4]

Permissible limitations

22. In article 13, paragraph 2, of the Convention on the Rights of the Child it is expressly stated that the exercise of the right to freedom of expression may be subject to certain restrictions, which are set out. The Committee on the Rights of the Child has not developed comprehensive jurisprudence on permissible limitations to this right.[4] However, the analysis made by the Human Rights Committee on the interpretation and application of article 19, paragraph 3, of the Covenant applies, mutatis mutandis, to the child's right to freedom of expression (see CCPR/C/GC/34, para. 21).

23. First, restrictions must be provided by law made accessible to the public and be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly. Second, restrictions may be imposed only on the grounds set out in paragraphs 2 (a) and (b) of article 13, namely, for respect for the rights or reputations of others and for the protection of national security, of public order or of public health or morals.[8] Third, restrictions must conform to the strict tests of necessity and proportionality.

[8] During the *travaux préparatoires* for the Convention on the Rights of the Child, the inclusion of a reference to "the spiritual and moral well-being of the child" as an additional legitimate ground for restriction was rejected on the basis that it would be unfair to impose such a restriction on children alone and that the matter had already been dealt with under article 17, on access to information. See Sharon Detrick, *A Commentary on the United Nations Convention on the Rights of the Child*.

C. Article 12: the right of children to express their views freely and to have their views given due weight

24. Article 12 of the Convention on the Rights of the Child represents a unique provision in international human rights law. This is a right that only children have, not adults, since children do not have a general right expressly set out in the International Covenant on Civil and Political Rights to express their views in all situations concerning them.[4] That children are not always listened to justifies the inclusion in the Convention of a general right to be heard. The aim of article 12 is to address the legal and social status of children, who, on the one hand, lack the full autonomy of adults but, on the other, are subjects of rights (see CRC/C/GC/12, para. 1).

25. Paragraph 1 of the article accords to the child who is capable of forming his or her views the right to express those views freely in all matters affecting him or her, and the subsequent right to have those views given due weight in accordance with his or her age and maturity. Paragraph 2 asserts the right of the child to be heard in any judicial or administrative proceedings affecting him or her.

26. The right of all children to be heard and taken seriously constitutes one of the fundamental values of the Convention. The Committee on the Rights of the Child has identified article 12 as one of the four general principles of the Convention, which highlights the fact that this article establishes not only a right in itself, but should also be considered in the interpretation and implementation of all other rights (see CRC/C/GC/12, para. 2).

27. In accordance with article 12, States parties are obliged to recognize that right in their legal system, to adopt appropriate mechanisms to facilitate the active involvement of children in all actions and decision-making processes affecting them and to fulfil the obligation to give due weight to those views once expressed. The Committee on the Rights of the Child has noted that, while appearing to listen to children is relatively unchallenging, giving due weight to their views requires real change. According to the Committee, listening to children should not be seen as an end in itself, but rather as a means by which States make their interactions with children and their actions on behalf of children ever more sensitive to the implementation of children's rights (see CRC/GC/2003/5).

28. The right to freedom of expression is often confused with the right to be heard set out in article 12. The Committee on the Rights of the Child considers that, while both articles are strongly linked, they articulate different rights and should not be confused. Article 12 relates to the right of expression of views specifically about matters which affect the child, and the right to be involved in actions and decisions that have an impact on the child's life. This provision imposes an obligation on States parties to adopt appropriate measures to facilitate the active involvement of children in all decisions and processes affecting them, and to fulfil the obligation to give due weight to those views, while freedom of expression requires no such engagement or response from States parties. The Committee considers, however, that the creation of an enabling environment for children to express their views freely also contributes to building children's capacities to exercise their right to freedom of expression (see CRC/C/GC/12, para. 81).

29. Another interesting aspect of article 12 relevant to freedom of expression is the emphasis on participation. Although the term is not found in the article, the

Committee on the Rights of the Child has stated on various occasions that children's participation in society enables them to be heard, to be informed about public affairs and to play a role in the life of their country (see, for example, CRC/C/SR.379, para. 55). Participation should be encouraged within the family, at school and in society at large; it should concern political, social, economic and cultural life; and it should happen through existing institutions and through the creation of children-specific bodies. The rationale behind encouraging the children's participatory rights is to facilitate their development, given that children cannot be expected to mature into full members of society if they lack the experience of participating in school and community life (see, for example, CRC/C/SR.277, para. 50).

D. Article 17: the child's right to have access to information

30. Article 17 of the Convention on the Rights of the Child deals with the right of the child to have access to information, and addresses the role of the State in encouraging the mass media to provide such information. The provision aims to ensure that the child has access to information and material from a diversity of national and international sources, in particular those aimed at the promotion of his or her well-being and health. It also recognizes the important function performed by the mass media and lists a number of measures that States parties need to adopt to implement the child's rights under article 17. These include a positive right to seek and access information, notably through books, magazines, newspapers, television, radio programmes and libraries.

31. States parties are required under article 17 (e) to develop appropriate guidelines for the protection of the child from information and material injurious to his or her well-being. Accordingly, although children should be given access to an increasing range of material as they mature, depending on their evolving capacities, they should also be protected from material that is likely to be harmful to their development. The Committee's jurisprudence has not provided a comprehensive definition of "harmful and injurious material", except in general references to violent, racist or pornographic material.

32. This right is closely related to the right to seek information set out in article 13 of the Convention, since its exercise aims to enable children to inform themselves and thus be able to participate in social life. The Committee on the Rights of the Child has noted that the fulfilment of this right also constitutes a prerequisite for the effective exercise of the right to be heard (art. 12). The Committee has clarified that children need access to information in formats appropriate to their age and capacities on all issues of concern to them, for example information relating to their rights, any proceedings affecting them, national legislation, regulations and policies, local services, and appeals and complaints procedures.

33. The Committee has also observed that the media play an important role both in promoting awareness of the rights of children to express their views and in providing opportunities for the expression of such views (see CRC/C/GC/12, para. 83). Other duties of the media under this provision include: providing access to different sources of information; portraying the positive contribution of young people to society; disseminating information on the existence of services, facilities and opportunities for children; promoting egalitarian principles and roles; and

minimizing the level of pornography, drugs and violence portrayed (see General Assembly resolution 45/112, annex).

IV. Restrictions to children's right to freedom of expression

34. Children face particular hurdles to the realization of their right to freedom of expression as a result of entrenched paternalistic attitudes that often overstate the risks of allowing children to communicate freely and underestimate their agency. In addition, the rights of children are also affected by all the barriers hampering the freedom of expression of adults.

35. The Committee on the Rights of the Child has commented to numerous States that traditional attitudes towards children in all spheres, including the home, school and society in general, continue to delay the acceptance of children's right to express themselves freely (see, for example, CRC/C/SGP/CO/2-3, para. 33, and CRC/C/ECU/CO/4, para. 40). Obstacles to the freedom of expression of children are particularly prevalent in settings in which the power of adults over children remains unquestioned. Educational settings highlight with particular clarity some of the tensions between the recognition of children as human beings with rights, views and feelings of their own on the one hand, and paternalistic perceptions of them on the other.

36. In paragraph 8 of its general comment No. 1, on the aims of education, the Committee on the Rights of the Child stated:

> Children do not lose their human rights by virtue of passing through the school gates. Thus, for example, education must be provided in a way that respects the inherent dignity of the child and enables the child to express his or her views freely in accordance with article 12 (1) and to participate in school life.

37. In many countries, however, children are denied the right to express themselves freely because of the idea that education serves as a tool for adults to mould children into predetermined shapes. This is evident in the prevalence of authoritarian school environments and teaching methods that, for instance, often preclude students from expressing their views on how their school is run (see CRC/C/KOR/CO/3-4, para. 40). In some places, rote learning continues to be the norm rather than participatory methods of teaching that encourage children to develop and express their views (CRC/C/15/Add.148, para. 39).

38. Many schools do not permit students to organize and express political or controversial views. The 1969 case *Tinker v. Des Moines Independent Community School District* is perhaps the first important case on the protection of children's freedom of expression. In December 1965, three school students (aged 13, 15 and 16) planned to wear black armbands with peace symbols to school in protest at the Vietnam War. When their local school administration heard of the planned protest, they banned armbands in school and suspended the students involved. The students appealed to the courts with support from the American Civil Liberties Union and their appeal was upheld, in 1969, by the Supreme Court of the United States of America.

39. Judicial systems often play a significant role in altering engrained authoritarian practices. There are as yet few examples of court decisions affirming children's right to freedom of expression and access to information. However, there

is a growing number of examples within educational settings, especially in the United States. For example, a student at a Florida high school was banned from wearing any symbol of support for gay rights at school because the principal believed that any symbol featuring rainbows would make students picture gay people having sex. In a decision quoting the *Tinker* case mentioned above, a federal judge ruled in May 2008 that the school had violated the students' rights.[9]

40. Student-run publications are another important means by which students can express their views. They provide a source of support because they contain reports on topics that are of concern to young people and that adults may not feel comfortable discussing. Students' writing has, however, been censored for covering issues such as teenage pregnancy and the effects of parental divorce. Increasingly, students' posts on social media are also under scrutiny and, in some cases, children have been expelled for posting criticism of their school.

41. Children's access to cultural activities may also be censored without justification. In the 1993 case *Dunduzu Chisiza Jr. v. Minister Kate Kainja*, a judge in Malawi upheld the complaint of an actor who had challenged a ban on all plays and other performances by independent groups in public schools as violating freedom of expression.[10] There are also reports of some schools banning music lessons for religious reasons.

42. Restrictions on the content of school curricula may also affect children's access to diverse sources of information. In this regard, the banning of books and teaching materials containing ideas that run counter to those supported by the school administration is another concern. In the 1982 case *Board of Education v. Pico*, for example, a court in the United States ruled that books could not be removed from school libraries for ideological reasons.

43. In addition to banning information outright, some school curricula present biased accounts of history or prejudiced views of certain groups, such as girls, sexual or ethnic minorities or children with disabilities, which can negatively affect children's freedom to form their own views and instead perpetuate discrimination — a situation raised by various United Nations treaty bodies in their recommendations to States.

44. This issue has also been addressed by the European Committee of Social Rights, which in 2009 found that the Croatian school curriculum covering sex education discriminated on the basis of sexual orientation. The Committee asserted that some statements in the curriculum stigmatized homosexuals and were based upon negative, distorted, reprehensible and degrading stereotypes.[11]

45. The effects of limits on children's right to freedom of expression spill out of the school gates into public life. Children, just as adults, may be subject to excessive violence or arbitrary detention for expressing political views. For example, the Committee on the Rights of the Child recently highlighted such violations to the Syrian Arab Republic in relation to the arrest and incommunicado detention of a group of children between 8 and 15 years of age accused of painting anti-

[9] American Civil Liberties Union, "Federal judge rules that students can't be barred from expressing support for gay people" (13 May 2008).

[10] See Article 19, "Kid's talk: freedom of expression and the UN Convention on the Rights of the Child" (1999).

[11] *International Centre for the Legal Protection of Human Rights v. Croatia*.

government graffiti on a school wall in the southern town of Dara'a (see CRC/C/SYR/CO/3-4, para. 46). It also expressed its concern to Belarus about the detention of adolescents during demonstrations held in the context of presidential elections in December 2010 (see CRC/C/BLR/CO/3-4, para. 35).

46. Disproportionate legal restrictions interfere with the rights of both adults and children. This includes legislation containing vaguely worded limitation clauses citing, for example, the requirement to interpret freedom of expression in the light of "Islamic principles" or excessively wide interpretations of risks to security, which could exceed the restrictions set out in articles 13, paragraph 2, and 15 of the Convention on the Rights of the Child (see CRC/C/15/Add.254, para. 40, and CRC/C/PRK/CO/4, paras. 27-28).

47. Undue restrictions on the child's right to peaceful assembly mirror some of the common obstacles to their freedom of expression. In a recent report, the Special Rapporteur on the rights to freedom of peaceful assembly and of association noted:

> There may be safety concerns when young people participate in some public demonstrations. However, ... laws such as that of Malaysia [where children under 15 years of age cannot participate in a public demonstration] are not tailored narrowly enough to specifically address that concern. Rather, a blanket ban on individuals of a certain age eliminates the right to participate in peaceful public assemblies for an entire portion of the population, without exception, contrary to article 15 of the Convention on the Rights of the Child. (See A/HRC/26/29, para. 24.)

V. Child protection used as a justification for disproportionate restrictions on freedom of expression

48. In some domains, there may be legitimate and understandable concerns for children's safety and well-being in gaining access to some types of information. For example, many countries regulate broadcasting, and television in particular, with a view, among other things, to protecting children. National regulations often include some kind of watershed system, for example, and establish independent bodies to enforce that system. Content generally considered unsuitable for children includes sexually explicit content, violence and offensive language. Regulations can, however, have a significant impact on freedom of the media. Moreover, the definition of what constitutes harmful information is subjective. Accordingly, any regulations aimed at protecting children and the mechanisms adopted to enforce them should be reviewed regularly, in an open and transparent way, in order to prevent the imposition of disproportionate or arbitrary restrictions that curtail the rights of both adults and children. Furthermore, it is crucial to ensure the independence of the bodies tasked with enforcing these regulations — rules regarding membership, for example, should be defined so as to protect them against any interference, in particular by political forces or economic interests.

49. The result of vague and broad definitions of harmful information, for example in determining how to set Internet filters, can prevent children from gaining access to information that can support them to make informed choices, including honest, objective and age-appropriate information about issues such as sex education and

drug use. This may exacerbate rather than diminish children's vulnerability to risks (see more in section VII below, on the Internet).

50. The imposition of prior censorship to protect children from harmful material provides an example of disproportionate restrictions that run counter to international human rights standards. For instance, in the case *The Last Temptation of Christ (Olmedo Bustos et al) v. Chile*, the Inter-American Court of Human Rights ruled that the Government of Chile had violated article 13 of the American Convention on Human Rights, on freedom of thought and expression, in banning Martin Scorsese's film *The Last Temptation of Christ* in order to protect the morals of children. The Court reasoned that children could easily be protected by adopting less restrictive measures than prior censorship, such as controlling their entrance to cinemas.

51. In a more recent case on prior censorship (*Print Media South Africa and Another v. Minister of Home Affairs and Another*), the High Court of South Africa declared that an amendment to the South African Films and Publications Act (No. 65 of 1996) infringed the constitutional right to freedom of expression. The amendment required publishers, with some exceptions, to submit publications for prior approval to prevent the exposure of children to age-inappropriate material and to ban child pornography. The decision indicated concerns about a system of prior restraint and the vague and overly broad criteria for classifying publications.

52. Child protection arguments are part of a new pattern in which children are increasingly used to justify restrictions not only on their access to information, but also on the rights of adults. In many cases, the restrictions are rooted in a genuine, well-meaning desire to protect children from harmful information, while in others they have been used to defend discrimination and censorship.

53. Most disturbingly, child protection arguments are being used to block access to information on, for example, lesbian, gay, bisexual and transgender issues and thereby legitimize discrimination against sexual minorities. In the Russian Federation, amendments to the administrative code and law protecting children from harmful information entered into force in July 2013, outlawing "propaganda of non-traditional sexual relations" among children.[12] The Special Rapporteur on the rights to freedom of peaceful assembly and of association publicly expressed concern about that law in a joint statement with other mandate holders. The child protection rationale for the Russian anti-homosexuality law has also been rejected by the European Court of Human Rights in its 2011 case *Alekseyev v. Russia*. Despite the criticism, other countries have followed suit. In Ukraine, in 2013, it was recommended that a draft law prohibiting "propaganda of homosexual relations" aimed at children be considered by the parliament.[13] In the draft law "propaganda" is defined as any public action aimed at spreading information about same-sex relations. In June 2014, the human rights committee of the parliament of Kyrgyzstan approved a bill criminalizing the dissemination of information "aimed at forming positive attitudes towards non-traditional sexual relations".[14]

[12] See Russian Federation Federal Law No. 135-F3 (29 July 2013).

[13] See draft law No. 1155 on the prohibition of propaganda of homosexual relations aimed at children (June 2011).

[14] See draft law on the protection of children from information harmful to their health or development (2014).

VI. Promoting children's freedom of expression

54. Besides protecting the right of children to freedom of expression, States are also obliged to promote children's freedom of expression. It is not sufficient to encourage children's participation in activities organized by adults such as music, art and drama to guarantee their freedom of expression. Children should have satisfactory opportunities and space to articulate their views orally or by other means, without fear of punishment, and have access to information from diverse sources and across borders — and this applies to all children without discrimination. This positive obligation should also be kept in mind during times of economic crisis, when funds for public libraries, activities such as music lessons and facilities such as playing fields are often among the first to get cut. Some examples of how children's freedom of expression can be actively promoted are listed below.

A. Encouraging children's freedom to organize and participate in politics

55. Increasingly, structures are available to children to participate in politics — from youth mayorships to children's parliaments. In Iceland, following the financial crisis, it was agreed that civilians would rewrite the Constitution in 2008. As part of this, the Young People's Constitution Project was established to ensure that the opinions of children and young people were also taken into account in the constitutional amendment process. In the Dominican Republic, municipal councils dealing with issues such as the provision of safe drinking water in schools are formed and elected by young people.

56. The engagement of a new generation of children in politics is beneficial for renewing political culture and increasing participation in elections. Some countries have lowered the minimum voting age to 16 years — a positive start that serves to officially legitimize children's views and encourage their participation in politics. Children of all ages should have the opportunity to be involved, if so they choose, in political processes and consultations on public policy in some way.

B. Encouraging child-led advocacy

57. Campaigns initiated by children have generated important debates and brought benefits to society as a whole. Student unions often play a central role in articulating child-led advocacy initiatives: in 2011, for example, thousands of secondary school and university students in Chile protested against the exorbitant costs of education. The political impact of their mobilization continues to be felt in the ongoing debates on the Chilean education system. Similar student protests against the costs of education have occurred in multiple countries.

58. In the Republic of Korea, high school students have promoted a major social mobilization against authoritarian practices within the education system. As a result of the public debate generated by the students, in January 2012, the Seoul Metropolitan Council adopted a students' rights ordinance ensuring, inter alia, the right of students to protest, a ban on corporal punishment, the elimination of mandatory participation in religious activities and the protection of lesbian, gay, bisexual and transgender students and pregnant students against discrimination.

Action for Youth Rights of Korea, an association established by Korean students in the context of this mobilization, continues to promote student activism.

59. A 13-year-old from the United Kingdom of Great Britain and Northern Ireland took a stand against his school's discriminatory dress code, which allows girls to wear skirts in the summer months but does not allow boys to wear shorts. Chris Whitehead took advantage of a loophole in the school's uniform policy, whereby boys are not forbidden from wearing a skirt. Around 30 fellow pupils joined the protest, prompting the school to review its uniform policy. Meanwhile, Chris Whitehead was nominated for a Liberty Human Rights Award.[15]

60. In India, members of the Adolescent Girls' Clubs against Child Marriage network help to persuade families not to marry their daughters off at a young age by educating people about the harmful consequences of early marriage. They offer a lifeline not only to girls who want to resist family pressure, but also to parents afraid that going against gender-based expectations will leave their daughters ostracized.[16]

C. Ensuring access to information from a range of sources

61. For children to be able to form their own views and become informed and responsible citizens, they also need to have access to information from a range of sources. This access is limited for many children, in particular for those living in isolated communities and those deprived of their liberty. The Committee on the Rights of the Child has also raised the issue of accessibility of information for minority groups, which may not be sufficiently relevant to their needs or in their own language, and for children with disabilities.

62. In recommendations arising from its day of general discussion on "The child and the media", the Committee affirmed the importance of budgetary support from the State to ensure the production and dissemination of books, magazines, music, theatre and other forms of expression for children, and of assistance through international cooperation (CRC/C/15/Add.65, para. 256). Investments in community and public broadcasting often play a central role in the promotion of access to information from a diversity of sources and in the inclusion of children's voices in the media. In Argentina, for example, the Law on Communication and Audiovisual Services establishes the obligation for public broadcasting entities to dedicate programming time to children and other sectors of the population not contemplated by commercial broadcasting. The public entity tasked with overseeing the implementation of the law promotes public hearings, including with children, to discuss communication and audiovisual services. It has also recently supported the promotion of radio activities led by students within their own schools. Moreover, the Ministry of Education of Argentina has supported the establishment of a channel aimed at promoting child-sensitive educational programming, including through the active participation of children in the production of the content.

[15] Lucy Sherrif, "Chris Whitehead, schoolboy who wore skirt to school, up for human rights award", *Huffington Post* (21 November 2011).

[16] Melanie Kramers, "Indian girls persuade parents they are too young for marriage", *Guardian*, 29 June 2011.

D. Promoting media self-regulation

63. In addition to providing budgetary support, States can encourage media organizations to self-regulate the way in which they cover and involve children. The International Federation of Journalists has devised a set of draft guidelines and principles for reporting on issues involving children that have been adopted by journalism organizations in 70 countries. They include provisions on avoiding the use of stereotypes and the sensational presentation of stories involving children.

64. Children also have participatory rights in the media, and some publications are run entirely by children. In its recommendations arising from the above-mentioned day of general discussion, the Committee on the Rights of the Child promoted children's participatory rights in the media, asserting that students should be enabled to relate to and use the media in a participatory manner, as well as to learn how to decode media messages, including advertising (CRC/C/15/Add.65, para. 256).

VII. Children's access to the Internet

65. The Internet has dramatically improved the ability of children and adults in all regions of the world to communicate quickly and cheaply. It is therefore an important vehicle for children to exercise their right to freedom of expression and can serve as a tool to help children claim their other rights, including the right to education, freedom of association and full participation in social, cultural and political life. It is also essential for the evolution of an open and democratic society, which requires the engagement of all citizens, including children. The potential risks associated with children accessing the Internet, however, also feature prominently in debates about its regulation, with protection policies tending to focus exclusively on the risks posed by the Internet and neglecting its potential to empower children. More worryingly, some States resort to disproportionate and ineffective measures, whether out of a genuine desire to protect children or as a front for censorship, such as broad and insensitive filtering and blocking systems that undermine online communication for all.

66. The spread of the Internet has allowed millions of people to learn, publish and communicate on an unprecedented scale. The Internet can provide great educational benefits through its potential for interactive use in schools and the wide array of information it makes available. Plan Ceibal in Uruguay, for example, is a remarkable example of promoting Internet access through the education system. More specifically, as suggested by the Committee on the Rights of the Child, the Internet plays an important role in education owing to its ability to provide education for children who cannot travel to schools, through mobile school programmes that rely on the Internet (see CRC/C/GC/11, para. 61).

67. Furthermore, the Internet provides unique avenues for young people to participate in public debates. For example, in the United States a 17-year-old boy reportedly organized a Twitter campaign to protest against a bill that would have banned teachers from discussing homosexuality in schools.[17]

[17] Shira Lazar, "Is it okay to say gay? Devon Hicks protests Tennessee bill", *Huffington Post*, 25 May 2011.

68. Social networking sites are also increasingly important to children as a means of fostering relationships and facilitating information exchange and interaction.[18] Children report that social networking encourages creativity, enables choices and opinions to be informed by peer preferences, facilitates discussion and provides a platform for self-expression that is unavailable offline.[19] These sites may serve an especially important role for members of minority groups, such as the lesbian, gay, bisexual and transgender community, who might otherwise feel isolated.[18]

69. Nevertheless, Internet use does pose some risks to children. Widely acknowledged risks associated with Internet use include exposure to pornographic material, cybergrooming and cyberbullying.

70. In the case of sexual exploitation, for example, advances in technology, including faster Internet connections and new ways of transmitting material that circumvent Internet service providers, have facilitated the sharing of images involving child abuse. Cybergrooming also involves the use of the Internet, this time to "befriend" and facilitate online sexual contact or a physical meeting with a child or young person for the purpose of committing sexual abuse.[18] Offenders often use online forums such as chat rooms, social networking sites and instant messaging for this purpose; these "deconstruct traditional boundaries of privacy" and result in children being exposed to risks.[18] Lastly, cyberbullying is understood as the psychological bullying and hazing by adults or other children through information and communications technologies. Cyberbullying can take various forms, including threats and intimidation, harassment, cyberstalking, vilification and defamation, exclusion or peer rejection, impersonation, unauthorized publication of private information or images, and manipulation. This is particularly problematic for groups that are already considered vulnerable in society.[18]

A. Concerns regarding the adoption of disproportionate restrictions

71. The popular fear that the Internet is dangerous to all children is misleading and oversimplifies the reality that the Internet can be both harmful and beneficial in certain circumstances. Understanding children's vulnerability to online risks from a wider social and cultural perspective can give greater insight into the nature of these concerns and how they should be framed. Children's use of the Internet, their behaviour and vulnerabilities to risks are different at different ages and depend on the individual child. Protection measures must seek to recognize the evolving capacities of children rather than use absolute blocking or censorship measures that adversely affect children and adults alike.[18]

72. The Special Rapporteur on the rights to freedom of peaceful assembly and of association has previously noted with concern the increase in restrictions on the Internet, for instance by blocking and monitoring online activities in order to target and silence activists and critics and criminalize legitimate expression — in some cases, Governments have adopted restrictive legislation to justify such measures (see A/HRC/17/27, para. 23). These restrictions are often imposed without transparency, which makes the reporting of censorship issues difficult. Furthermore,

[18] UNICEF Innocenti Research Centre, *Child Safety Online: Global Challenges and Strategies* (May 2012).

[19] Child Exploitation and Online Protection Centre, *Understanding Online Social Network Services and Risks to Youth: Stakeholder Perspectives* (2006).

even where some level of restriction may be justified, blanket bans on material beyond unlawful content are disproportionate to the goal of protection (ibid., para. 44). Indeed, such measures also have unintended consequences that range from excessively limiting adults' right to freedom of expression to putting children in greater danger by inhibiting discussion about online risks.

73. The Special Rapporteur has pointed out that blanket bans by State actors are not necessary when parents and school authorities can use software to control children's access to the Internet and can guide children regarding online safety (see A/HRC/17/27, para. 27). In fact, such broad bans determined by State actors are inconsistent with article 18 of the Convention on the Rights of the Child because they prevent parents and caregivers from exercising their judgement to determine children's access to the Internet. In addition, there are some projects under way to assist content providers with self-regulation strategies.

74. The limited understanding of children's use of the Internet frequently leads to the adoption of more restrictive approaches aimed at safeguarding children.[20] In fact, the vast majority of children and young people do not believe that their online behaviour leads to victimization or harm. Children already use a range of strategies to protect themselves from the Internet, including consulting online or offline friends, blocking or ignoring unwanted content and changing privacy settings.[18] Research reveals that, when parents and teachers are less familiar with the Internet, children engage in more risky online behaviour.[20] Conversely, evidence also suggests that informed and actively engaged parents who discuss the Internet and their experience with their children are the strongest protective measures for ensuring a safer online experience.[18] Perhaps this suggests that measures taken by parents and caregivers are more effective at protecting children than the current trend towards extensive restrictions.

B. Empowering children to use the Internet

75. There is a need to create an environment in which information and communications technologies, including the Internet, are regulated and monitored from the perspective of empowering children to use these technologies in a way that promotes children's rights and development while also promoting safety (see CRC/C/GC/13). The European Commission provides a useful example of strategies to improve the online safety of children in its European Strategy for a Better Internet for Children.[21] Empowerment is more than just making the Internet a safer space for children, however: it is also necessary to focus attention on how the Internet is a tool for accessing information and supporting children to think critically.

76. Empowering children must include training parents and professionals who work with children to support them in using the Internet, keeping in mind their evolving capacities.[18] A positive way to introduce online safety and information beneficial to the development of children is through school curricula, including by involving children in the development of school policies on information and

[20] Sonia Livingstone and Monica E. Bulger, "A global agenda for children's rights in the digital age: recommendations for developing UNICEF's research strategy" (September 2013).

[21] See also Brian O'Neill, "Policy influences and country clusters: a comparative analysis of Internet safety policy implementation" (London School of Economics, 2014).

communications technologies. Non-governmental organizations and public communications such as radio messages can provide similar support to children who are not in school.[16] Some examples of child safety initiatives are SaferNet Brasil, the Slovak Safer Internet Centre and Manos por la Niñez y Adolescencia (Hands for Children and Adolescents) in the Bolivarian Republic of Venezuela.

77. It is important to engage children when creating Internet protection and promotion strategies to meet their needs and to use their diverse intellectual and creative strengths, especially given that children and young persons tend to be more in touch with the latest technologies. Such a strategy of engagement can also help to build trust and encourage open communication. The Committee on the Rights of the Child has recommended that all countries establish accessible and child-friendly reporting systems, with child-friendly helplines for protection (see CRC/C/GC/12, para. 120).

C. Expanding research

78. More research is needed to clarify the role of the Internet in the exercise of the rights of the child, in particular with regard to how children use the Internet, how they can learn to do so safely and how the Internet can be viewed as a positive rather than a destructive tool by parents, caregivers and States. It is also important that current restrictions on Internet use be looked at carefully and critically in order to uncover potentially negative consequences for children and adults, encourage practical solutions to Internet safety concerns and maximize opportunities for children on the Internet.

VIII. Conclusions and recommendations

79. Children's right to freedom of expression is well established by international human rights treaties, including the Convention on the Rights of the Child, which represents a milestone for the protection of all children's rights. In practice, recognizing children as full subjects of rights — the vision set out in the Convention — requires a shift in laws, policies and attitudes. Respecting, protecting and promoting the right of children to freedom of expression is at the heart of this shift.

80. The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights establish the right to freedom of opinion and expression in their articles 19, but do not state that this right is enjoyed exclusively by adults. In fact, in the preamble to the Covenant it is established that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Also in the preamble, it is recognized that these rights derive from the dignity inherent to all persons.

81. Despite the almost universal ratification of the Convention on the Rights of the Child, too little has been done to give effect to the right of children to freedom of expression and many obstacles to the realization of this right for children remain. Unchallenged authoritarian attitudes frequently shape the

relationship between adults and children in schools and within families. More worryingly, as communications technologies evolve, some States have adopted disproportionate restrictions on freedom of expression, presenting them as measures to protect children from harm while, in effect, they limit the rights of children and adults.

82. It is clear that States have a fundamental obligation to protect children and that it is the duty of adults to provide children with guidance. Child protection and freedom of expression must not, however, be addressed as opposing goals. On the contrary, it is by supporting children to develop good communication skills and to learn the positive uses of new technologies that we can enhance their capacity to protect themselves from harm.

83. Children may not have the same maturity as adults, but childhood is an evolving process during which maturity is gained gradually. The ability to develop opinions, as well as to express them clearly, stems from a learning process that begins at the earliest stages of our lives and that needs appropriate respect and encouragement to develop completely. If neglecting the duty to protect children from harm brings serious risks, so too does denying them space to develop their minds, critical thinking and opinions. Depriving children of information on certain matters and prohibiting their participation in public debate can only intensify their isolation and political alienation. Ensuring that children are able to exercise their right to be heard is not only an obligation: it is crucial to enhancing the effectiveness of protective measures.

84. States must never forget to keep the goal of the best interest of the child at the forefront of all their public policies. This includes establishing regulatory norms to protect children from harm and, at the same time, ensuring that all norms comply with the international standards related to the right to freedom of expression.

85. The Special Rapporteur recommends that States take the actions set out below.

Revise laws, regulations and policies in order to eliminate undue restrictions on freedom of expression of children

86. States should revise national laws, regulations and policies that limit the right of children to express themselves, as well as to access information, to align them with international human rights standards. Any law limiting the freedom of expression of adults or children must also comply with the three established criteria for restricting this right, namely, prescription by an unambiguous law, pursuit of a legitimate purpose and respect for the principles of necessity and proportionality.

87. States should carefully revise laws and regulations concerning the protection of children in broadcasting activities, the Internet and any other media. Classification systems are acceptable for the protection of children in broadcasting activities, for example, but the prior suppression of any particular expression before it is made public is unacceptable. The independence of authorities mandated to enforce regulations on communications should be protected from political and economic interference.

88. States should pay particular attention to the removal of authoritarian norms and practices within education systems given the centrality of schools in the promotion of children's agency.

Promote the right of children to freedom of expression

89. States should actively promote the right of children to freedom of expression, including access to information, in all settings. Traditional authoritarian attitudes towards children in all spheres, including the home, school and society in general, can be challenged. In particular, the State should pay attention to the creation of channels for child-led activism.

90. States should encourage the use of diverse forms of communication by children in schools, including oral, written and all forms of art. Schools curricula should impart knowledge on social communications, media and journalism.

91. States should promote programming with educational and recreational content for children of different ages and with content produced by children.

Promote access to the Internet and online safety

92. States should take proactive measures to promote children's access to the Internet in all settings. The Internet's central role in the promotion of all the rights of children, in particular the right to freedom of expression, to participation in public life and to education, should be taken into consideration within education systems. Efforts should be made to reframe the Internet as a positive resource — with benefits for both the individual child and society as a whole — as opposed to a negative or otherwise dangerous medium. For example, the Internet is an excellent tool for accessing books for children from all social origins.

93. States should address the risks posed by the Internet to the safety of children through holistic strategies that include the enhancement of users' capacities to protect themselves from online harm. Strategies should include training parents and professionals who work with children. Children should be actively engaged in the design and implementation of initiatives aimed at fostering online safety. Further research on the impact of the Internet on children's lives is also required.

Increase global attention to the right of children to freedom of expression

94. Regular attention to violations of the right of children to freedom of expression should be paid by all international human rights protection mechanisms. In particular, the Committee on the Rights of the Child could pursue articles 13 and 17 systematically in its recommendations to States.

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 68/169 and includes information on steps taken by States to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief, as set forth in that resolution.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 68/169, in which the Assembly requested that the Secretary-General submit to it at its sixty-ninth session a report that included information provided by the United Nations High Commissioner for Human Rights on steps taken by States to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief, as set forth in that resolution. The report contains summaries of the information received from Member States.[1]

II. Information received from Member States

Austria

2. The Government of Austria reported that it has launched and supported dialogue initiatives that are designed to promote democracy and universal respect for human rights and basic human freedoms, including the freedom of religion or belief. A task force that promotes a "Dialogue of cultures", within the Ministry for Europe, Integration and Foreign Affairs, is mandated to implement key initiatives.

3. The fifth Global Forum of the United Nations Alliance of Civilizations, on the theme of "Responsible leadership in diversity and dialogue", was held in Vienna in February 2013, with the attendance of the Secretary-General and over 1,500 participants from Governments, civil society, academia and the media. A youth event was also organized and brought together 150 youth participants from 94 countries. The outcomes of the Forum are reflected in the Vienna Declaration on the Alliance of Civilizations.

4. The King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue, located in Vienna, provides a platform to discuss the potential of religious communities to foster conflict resolution, peace and reconciliation as well as social cohesion and development. A project on "Training in dialogue and integration for imams, spiritual advisers and mosque associations" has been successfully implemented in the past years in Austria, in partnership with the Islamic community in Austria as well as the Turkish Presidency of Religious Affairs (Diyanet).

5. The integration strategy of the Government of Austria, based on the National Action Plan for Integration, is essentially an anti-discrimination strategy in that the strategy does not distinguish between ethnic or religious groups, as all immigrants are treated equally and, therefore, should be protected from discrimination. To evaluate how immigrants view the process of integration, a survey of over 1,000 people with an immigrant background was undertaken two years ago, and the Government of Austria has concluded that its integration strategy, as an anti-discrimination strategy, has had a positive effect on integration in the country.

6. Since 2011, the State Secretary of Integration has been focusing on intercultural and interreligious dialogue within the framework of the National

[1] Full texts of the submissions are available for consultation at the Anti-Racial Discrimination Section of the Office of the High Commissioner for Human Rights.

Action Plan for Integration. In 2012, the Federal Minister for Europe, Integration and Foreign Affairs initiated the Dialogue Forum Islam, a platform for dialogue with the Muslim community in Austria aimed at establishing an exchange of thoughts and at addressing legal and social issues of concern to Muslims in Austria, such as Islamism, Islamophobia and integration.

Azerbaijan

7. Azerbaijan stated that there have not been any reported cases of racism, religious intolerance or stigmatization in Azerbaijan. At the same time, the State Committee of the Republic of Azerbaijan on the Work of Religious Organizations regularly undertakes activities to preserve stability in the sphere of religious relationships. In the framework of its mandate, the State Committee prevents the import and dissemination in the country of religious literature of a harmful nature or containing religious extremism and intolerance to other religions.

8. As a rule, the State Committee organizes events and meetings on the issues in question in close collaboration with the authorities at various levels and with the participation of religious leaders and communities. A number of meetings were organized together with the Ministry of Justice, the Ombudsman of the Republic of Azerbaijan and the Union of Mass Media. Several important international meetings were organized in Azerbaijan over the past few years, including a forum entitled "State and religion: strengthening tolerance in the changing world" (December 2012) and the second World Forum on Intercultural Dialogue (May-June 2013).

9. Following the initiative of the President of Azerbaijan, a book and a film were prepared entitled "Azerbaijan: the country of tolerance".

Belarus

10. The Government of Belarus stated that its policy in the sphere of confessional relations is regulated by the Law on Freedom of Conscience and Religious Organizations, which guarantees equality and non-discrimination to all religions before the law.

11. It added that the Law on Countering Extremism declares punishable by law all the criminal acts listed in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. The Law on Political Parties and the Law on Non-Governmental Associations prohibit the creation and functioning of political parties, non-governmental associations and unions intended to propagate war or extremism. The Law on Mass Media guarantees rights and freedoms in mass media and prohibits the dissemination of information containing incitement to war, violence and extremism. Those anti-discrimination measures extend to all people living in the territory of Belarus, including foreign citizens, migrant workers and stateless persons.

12. Belarus noted several practical measures undertaken to implement the legislation effectively and to support inter-confessional dialogue. The Second Programme on Development of Confessional Spheres, National Relations and Compatriots Cooperation for the period 2011-2015 has been undertaken. The realization of the rights to freedom of conscience and freedom of religion and belief

is under the competence of the Commissioner for Religions and Nationalities. The Commissioner has representatives in all regions of the country. The Inter-Confessional Consultative Council, under the Commissioner, coordinates the activity of religious organizations and promotes and consolidates peace for coexistence, tolerance and dialogue between representatives of different confessions and religions. The Social Morality Council was established in 2009 to assist the Government in resolving social problems.

13. In Belarus, there are more than 3,000 religious organizations, of which 164 are registered at the level of the Republic while the others are registered at the local level. There are also 26 confessions and religious groups. All religious organizations are exempt from taxes on land and real estate property. Belarus reported on the absence of conflicts on the grounds of national, racial, cultural, linguistic and confessional affiliation. According to a recent opinion poll, 93 per cent of those polled considered inter-confessional relations to be stable in Belarus and 82 per cent were satisfied with the number of premises available for religious ceremonies, rites and services.

Czech Republic

14. The applicable constitutional legislation (Charter of Fundamental Rights and Freedoms) and the international human rights instruments binding on the Czech Republic prohibit discrimination on the grounds of religion, faith or belief. They also safeguard the freedom of thought and conscience, the freedom of religion, the freedom of practice of faith and religion, and the freedom of churches and religious societies. The Anti-Discrimination Act prohibits discrimination on the grounds of religion, faith or belief in a number of public sectors.

15. The Anti-Discrimination Act prohibits direct as well as indirect discrimination, harassment and persecution as well as instructions to discriminate and incitement to discriminate.

16. The national body responsible for action against discrimination is the Public Defender of Rights, whose role is to help to promote the right to equal treatment, to provide methodological guidance to victims in asserting their rights, to conduct research and to publish reports and recommendations on issues related to discrimination. The main focus is on guidance and public information.

17. Propaganda and attacks motivated by religious intolerance are crimes under Czech law. The Criminal Code (2009) includes the definition of crimes of violence against a group in the population or against an individual, dangerous threats, dangerous persecution, defamation of a nation, race, ethnic or other group of persons, and incitement to hatred for a group of persons or to actions restricting their rights and freedoms. The gravest crimes targeting national, ethnic, religious or other groups are classified as crimes against humanity.

18. In many other definitions of crimes, the presence of the element of religious intolerance automatically results in a heavier penalty. In addition to these definitions that are specifically designed to apply to cases of attacks motivated by religious intolerance, the element of religious intolerance is also included in the list of general aggravating circumstances that attract stricter penalties in any case. To prevent the formation of groups promoting religious or other intolerance, the Civil

Code (2014) introduced a ban on the establishment of a legal person in cases where the purpose of such a legal person is to deny or restrict the individual, political or other rights of individuals because of their nationality, sex, race, origin, political or other opinion, religion or social status (section 145).

19. As in past years, the Culture Ministry's Churches Department has not identified any manifestations of religious intolerance on the part of registered churches and religious societies and their representatives. The registration and activity of churches and religious societies is regulated by Act No. 3/2002 (Churches and Religious Societies Act), as amended, concerning the freedom of religion and the status of churches and religious societies.

20. The Czech Republic reported that the Government Council for Human Rights includes experts on religious freedom and that the Council has a subsidiary Committee against Discrimination, set up to address discrimination on all grounds, including religion, faith or belief. The Churches Department also promotes interfaith dialogue, and grants financial subsidies to civic associations and activities countering racial and religious prejudice and contributing to interfaith dialogue.

Germany

21. Germany reported that the Federal Government programme on "Cohesion through participation" continued to fund projects for democratic participation, combating extremism in eastern Germany, and establishing a lively and democratic community culture. Between 2010 and 2013, significant funding was allocated primarily to towns and communities particularly affected by social and economic changes. This programme, which has been extended to 2016, is designed to prevent potential extremist threats and to strengthen the essential requirements for peaceful coexistence on an equal footing.

22. The Federal Agency for Civic Education and other recognized civic education bodies provide a wide range of initiatives on migration and integration issues, including printed materials and a wide range of online formats (e.g. teaching material), school competitions and programmes for local journalists, as well as study trips to Israel. It stated that given Germany's history, providing information about the Holocaust represents one of the Federal Agency's focus areas. The Federal Government also actively supports networking and civic engagement, for instance, through the Alliance for Democracy and Tolerance.

23. For many years, the Federal Ministry of the Interior has successfully promoted Christian-Jewish cooperation and interreligious and intercultural dialogue between Christians and Jews; in recent years, it has extended the dialogue to a trialogue at the international level with Muslims. The Ministry promotes, inter alia, the German Coordination Council of Associations for Christian-Jewish Cooperation, the International Council of Christians and Jews and various individual projects seeking to promote interreligious and intercultural dialogue between these faiths.

24. In May 2013, a working group set up by the German Islam Conference (www.deutsche-islam-konferenz.de) published a declaration on "Promoting social cohesion: preventing polarization", and launched an initiative against social polarization focused on preventing anti-Muslim attitudes, anti-Semitism and "Islamism being understood as extremism among Muslims motivated by religion".

The Conference also identified criteria to fund projects, primarily with young people. In addition, the recommendations by the German Islam Conference and the Scientific Council form the basis for the establishment of four Islamic theology centres at German universities. The Federal Government has earmarked funds to promote these centres over a period of five years in an effort to train students as Islamic researchers, social workers, Islamic religion teachers and Islamic scholars to teach at mosques, among other things.

25. The National Action Plan on Integration (2007) addresses "immigrants in the public service" and demonstrates the commitment of the Federal Government to raising the number of staff members with an immigrant background in the public service. Germany reported that, to date, their ratio is relatively low when measured against their share of the overall number of employed persons in Germany. It reported that providing all social groups with the opportunity to take part in decision-making processes and tapping their knowledge and abilities — irrespective of their faith or belief — is a challenge yet to be met by the public administration.

26. In Germany, offences involving discrimination against persons based on religion or belief — particularly violent offences — are separately recorded and analysed as hate crimes and are considered politically motivated crimes. Approximately 90 per cent of these offences have been attributed to right-wing-oriented and politically motivated crimes. Under criminal law, hate crime involving contempt for other human beings — which includes discrimination or violence based on religion or faith — means that the courts generally hand out stricter sentences, or, in the case of murders — consider the offender to have acted on biased motives (section 211 of the Criminal Code). Specific forms of hate crime involving religious aspects are also punishable, depending on the individual case, as incitement to hatred (section 130 of the German Criminal Code), as the defamation of religious associations (section 166 of the Code) or as insults (section 185 of the Code), at least if the offence was targeted at individuals.

27. According to police crime statistics, a total of 2,404 cases of incitement to hatred and 60 cases of defamation of religious associations were reported in 2013, with the clear-up rate being 65 per cent and 36.7 per cent, respectively. Insults with a religious background are recorded under the sub-heading "religion", provided an application for criminal prosecutions is filed.

28. In Germany, the police work to combat hate crimes through several measures. Firstly, hate crimes are prosecuted as offences against State security and are recorded separately. The police forces take regular preventive measures such as stepping up physical protection or police controls with regard to especially vulnerable points, such as Jewish cemeteries. Secondly, the police work to analyse the national number of cases through a differentiated analysis, enabling policymakers to draw important conclusions for potential prevention measures. Thirdly, in 2009, the catalogue of police measures to combat right-wing politically motivated crimes was completely overhauled and recommendations for action were added, ensuring that the relevant offences can be perceived, recorded and combated in a more targeted manner. Fourthly, the police forces of the Federal Länder support victims' assistance projects, associations and institutions and other counselling bodies in an effort to encourage those seeking help to come forward, to reduce barriers and to raise confidence in the police and their work.

29. Germany also reported that the Bundesrat, with the active support of the Federal Government, has decided to initiate procedures before the Federal Constitutional Court to ban a right-wing extremist party.

Greece

30. Greece outlined the legislative framework as well as a number of measures and actions implemented by the Ministry of Education and Religious Affairs that contribute to combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief. Religious freedom in Greece is enshrined in article 13 of the Constitution, in the relevant international conventions signed by the country and, in particular, in article 9 of the European Convention on Human Rights.

31. The Orthodox Church of Greece is autocephalous and self-governing and recognized by the Constitution as the "dominant" religion owing to its long cultural tradition. Although this constitutional provision institutionally guarantees the Orthodox Church, it does not mean or imply in any way some reduction or restriction of the religious freedom of other religions since article 13 of the Constitution protects the right to free religious conscience and the expression of religious beliefs. In Greece, the dialogue between State and ecclesiastical jurisdictions and religious communities is constitutionally guaranteed and regulated within the constitutional guarantee of religious freedom.

32. The Greek authorities have taken the necessary steps for the construction of a mosque in the municipality of Athens, to be financed exclusively by national funds and the tender for its construction was awarded in November 2013. A decision of the Supreme Administrative Court on an appeal against the construction of the mosque in the designated site is expected to be considered in 2014. A special law has also been drafted to assist with the construction of new mosques, and the reconstruction of already existing mosques, in the region of Thrace.

33. Since the 1990s, the "Education of the Muslim minority children of Thrace" project has been a policy of the State aimed at upgrading the education of the children of this minority and fostering their integration in society as equal citizens of Greece and the European Union. In accordance with the 1923 Treaty of Lausanne, Greece guarantees the proper functioning of the existing minority schools, supported and funded by the State. The majority of children of primary school age attend bilingual minority education programmes, under which both Greek and Turkish are used as languages of instruction, but also constitute separate language subjects in the curriculum.

34. With regard to the education of Jews in Greece, the Ministry of Education allows for the appointment of teaching staff, at public expense, in the schools of the Jewish communities in Athens and Thessaloniki, in response to their requests. In addition, Greece provides for the operation of the 80th Primary School in Larissa, a public Jewish school that has been in existence since 1931, in which teachers of both Greek and Hebrew are appointed by the State.

35. The General Secretariat for Religious Affairs, in collaboration with the General Secretariat for Youth and the Jewish Museum of Greece, is implementing an educational activity entitled "Teaching about the Holocaust in Greece". Every year,

the Ministry of Education and Religious Affairs, in cooperation with the Jewish Museum of Greece, organizes educational visits of non-Jewish students to the Auschwitz Museum in Poland.

36. The Hellenic Police has established a telephone code (11414) that allows for secure, anonymous and protected private communications, reports or complaints about any criminal behaviour with racist characteristics or motives. A part of the police website (www.astynomia.gr) has been devoted to racist violence matters. A mechanism for recording racist and xenophobic incidents and a unified database have been established, with a view to promptly notifying international organizations and monitoring the progress of all relevant cases. In addition, a unified State mechanism for recording racist incidents has been set up within the Ministry of Justice, Transparency and Human Rights. The Hellenic Police forwards the data reported to, or recorded by, their services to the Ministry of Justice for further processing as well as for monitoring the progress of the relevant cases.

37. Circular 7100/4/3, dated 24 May 2006, on dealing with racism, xenophobia and intolerance during the performance of police officers' duties stipulates that police officers should examine whether there is a racist motive behind a criminal offence. All police personnel receive a guide on police behaviour towards religious and vulnerable social groups, listing the different categories of vulnerable groups and giving clear instructions as to the behaviour of police officers towards such groups. There is a continuous effort for their further training on human rights and, more specifically, on dealing with incidents of racism or intolerance and on respecting the particularities of those belonging to vulnerable social groups living in Greece.

38. The Ministry of Justice, Transparency and Human Rights reported that on 20 November 2013, a new anti-racist draft law entitled "Amendment of Law 927/1979 and adaptation to the Council of the European Union Framework Decision 2008/913/JHA of 28 November 2008, on combating certain forms and expressions of racism and xenophobia by means of criminal law" was submitted to Parliament. The draft law (after its discussion in the framework of the competent parliamentary committee) will be discussed by the plenum, once scheduled by Parliament.

Italy

39. The protection of religion, particularly with regard to individuals, associations and religious organizations, is guaranteed in accordance with articles 8 and 19 of the Constitution of Italy, which concern the establishment of relationships between the State and religious denominations and the right to freedom of religion. Italy recalled that there is no State religion, other than the agreement between the Roman Catholic Church and the Government of Italy. Over the years, the Government has signed several agreements (*intese*) with other denominations, which provide, inter alia, for the autonomy and independence of these denominations and provide for issues fundamental for believers and religious practices. These *intese* generally include provisions for spiritual assistance in collective institutions; education; recognition of civil marriages; fiscal treatment and financial relations between the State and the religious denominations; protection of places of worship and cultural and historical assets; guarantees regarding cultural identity; free exercise or worship; and religious festivities and organizations. Several *intese* have been concluded over the years with

denominations and new agreements are being defined with other religious organizations.

40. Italy noted that religious denominations without these agreements enjoy the same treatment as others and that the absence of an *intesa* does not affect a religious group's ability to worship freely. A denomination that does not sign an *intesa* is still able to apply for financial support of the State for the building of religious sites, consistent with the purpose stated in the denomination's statute and previous public manifestations.

41. The Office of Studies and Institutional Relations at the Presidency of the Council of Ministers carries out activities aimed at implementing constitutional provisions for freedom of religion; raising public awareness of freedom of thought and religion; maintaining relations with all religious denominations in Italy; affirming the principle of equal dignity of all religious denominations; and preventing discrimination. The Office is in continuous contact and cooperation with the national organization of the Jewish community, mainly on issues related to the implementation of the *intesa* and problems of discrimination.

42. Italy reported that since 2005, it has been fostering a dialogue between the State and the Muslim community and that the Ministry of the Interior has established the Council for Islam in Italy. Since 2010, a Committee for Italian Islam has been focusing on issues of integration and the exercise of civil rights. It reported that in 2011, the Ministry for International Cooperation and Integration, promoted the "Conference of religions, culture and integration", intended to enhance the religious factor in the process of mutual understanding, dialogue between cultures and integration of migrants. It added that the Ministry of the Interior has funded projects to promote interfaith dialogue within the framework of the European Integration Fund.

43. The National Office against Racial Discrimination, established within the Department for Equal Opportunities of the Presidency of the Council of Ministers and operating as a national equality body, takes concrete steps to ensure that protection against discrimination is effectively and properly enforced.

44. Italy reported that innovative initiatives and actions have been aimed at increasing the level of protection and support for victims facing discrimination on the basis of religion or belief, including awareness-raising campaigns (particularly on Holocaust Remembrance Day), as well as a number of events taking place during the National Week against Racial Discrimination.

Luxembourg

45. Luxembourg has repeatedly spoken in favour of intercultural and interreligious dialogue and condemned racism and xenophobia in all its forms and manifestations, both nationally and internationally. Luxembourg participated in the fifth United Nations Alliance of Civilizations Forum, held in February 2013 in Vienna, co-signing the Vienna Declaration, and together with the Council of Europe, Luxembourg held the 2011 meeting of the Council of Europe on the religious dimension of intercultural dialogue.

46. Under the principles of religious freedom (the freedom to have a religion or not, and to abandon or change religion) and free public exercise of religion

contained in article 19 of the Constitution, all communities can exercise, including in public, their beliefs without reservation, in conformity with domestic law. Luxembourg reported that dozens of religious or philosophical communities coexist and work in the country. The Constitution guarantees all citizens equality before the law. In the absence of a provision to the contrary, foreigners in the territory of the Grand Duchy are treated as nationals (article 10 bis and 111 combined with the Constitution and law of the Constitutional Court). Article 19 of the Constitution stipulates that "freedom of worship, public practice, and freedom to manifest religious opinions are guaranteed, except for the punishment of offences committed in connection with the use of these freedoms".

47. It noted that the Chamber of Deputies has clarified the criteria for the establishment and operation of a religious community to be in agreement with article 22 of the Constitution. The Government programme, adopted following the elections of October 2013, represented a fundamental change in the relationship between the State and religions in respect of the equal treatment between religious groups as well as the neutrality and independence of the State, and established a commitment for the Government to consult and engage with the different religions represented in the country. The programme also redefined the relationship between municipalities and worship, and established a single, neutral and harmonized "values education" for all students at primary and secondary education institutions.

48. Under the principle of religious freedom, all religions may be practised in Luxembourg provided they respect public order. Religions can receive subsidies to cover part of the costs of their operations, regardless of whether they are contracted or not. At present, eight religious groups — Catholic, Protestant, Reformed Protestant, Anglican, Jewish, Serbian Orthodox, Romanian and Greek — receive such support. Luxembourg noted that the Russian Orthodox Church has recently announced its interest in an agreement and negotiations were held with the Muslim community but stopped at the request of the Chamber of Deputies, given the possible future fundamental reform of the current legal system.

49. Dialogue with religious communities in the country — including the Muslim community — began in February 2014 and further meetings are planned in order to initiate the process of legislative or constitutional reform.

50. The Luxembourg Office of Reception and Integration deals with the reception and integration of foreigners in the Grand Duchy of Luxembourg. The Centre for Equal Treatment carries out its tasks independently and promotes, analyses and monitors the equal treatment of all persons without discrimination based on race or ethnic origin, sex, sexual orientation, religion or belief, disability or age.

51. The basic text that prohibits discrimination based on religious grounds is contained in title 8, chapter 6 of Penal Code Book 2, entitled "Racism, revisionism and other forms of discrimination". The Penal Code also sanctions (imprisonment from eight days to two years and/or a fine of 251 euros to 25,000 euros) incitement to discrimination, hatred or violence against a person or entity, group or community based on one of the elements referred to in article 454. Incitement to discrimination, violence or hatred based on membership (or non-membership) or religious belief, actual or supposed, is punishable (article 457-1). Denial is considered to be a form or manifestation of racism or xenophobia and incitement to racial or religious hatred, and article 457-3 punishes the challenging, minimizing, justifying or

denying the existence of one or more crimes against humanity, war crimes or genocide.

Mexico

52. Mexico reported on the various actions carried out by the National Council to Prevent Discrimination. The Council has carried out a number of activities aimed at promoting dialogue. Since 2011, it has held a round table on "Religions for non-discrimination," in order to have a dialogue with representatives of various religions and to be aware of the problems of discrimination to which they are subjected, as well as their perceptions of discrimination in the country. This round table meets quarterly and seeks to create a forum that allows the religious groups to be aware of discrimination cases and to take joint action. On 13 November 2013, the Council held a forum on religious freedom and non-discrimination within the context of the International Day of Tolerance at the Museum of Memory and Tolerance. Similarly, the International Week of Lay Culture was held from 18 to 20 March 2014.

53. The Council has also participated in other conferences and events on religious issues. A workshop on anti-Semitism and religious intolerance organized by the Facing History and Ourselves Organization and the Pan-American Development Foundation was held in March 2014. The Council also participated in an online conference on diversity and religious discrimination in America.

54. Mexico stated that the Council is empowered to receive complaints against acts of discrimination, based on the provisions of the Federal Law to Prevent and Eliminate Discrimination (CONAPRED/DGAELPP/107/132). This law strengthens protection guarantees and the right to equality and non-discrimination and the prohibition of discrimination. One of the major achievements under this reform is the single unification of the complaints procedure, which is now compulsory for both the public service and private individuals. Similarly, the reformed law includes a section on reconciliation which, according to article 64, is the stage of the grievance procedure at which the Council tries, as appropriate, to reconcile the parties to resolve an issue, always ensuring the maximum protection of the rights of the victims of discriminatory behaviour or social practices.

55. Between 2010 and 2014, the Council reported that it had received and responded to 31 complaints and claims related to alleged acts of discrimination based on religion or belief, 87 per cent of which were acts attributed to individuals. The main grounds of the alleged acts of discrimination were related to anti-Semitism, religious beliefs, religion or conscience.

56. The Council promotes programmes and educational activities that contribute to building a culture of equality and respect for the fundamental rights of all people. The distance education programme, called CONNECT, has a specific course entitled "Tolerance and diversity of belief". In 2013, 959 people participated in this course.

Paraguay

57. Paraguay stated that article 24 of the Constitution protects religious freedom and belief.

58. Under the Ministry of Education and Culture, the Vice-Ministry of Culture is in charge of registering all churches and religious entities and it carries out a series of activities to promote respect among registered churches and religious and philosophical associations.

59. The Permanent Forum of Interreligious Dialogue of Paraguay, established by ministerial resolution 28561/11, aims at interreligious cooperation and organizes periodic meetings, as well as national and international conferences, seminars and expert meetings, with the participation and involvement of religious and philosophical communities and the community in general.

60. The Vice-Ministry of Culture had received no complaints regarding cases of discrimination based on intolerance, negative stereotyping, stigmatization or incitement to hatred or discrimination based on religion and belief.

Philippines

61. In order to address grave concerns raised by the National Commission on Muslim Affairs regarding alleged discriminatory acts committed against Muslim women in schools, workplaces and Government agencies in the country, the Philippine Commission on Human Rights released Human Rights Advisory No. A2013-002 on 8 August 2013, on the issue of the wearing of headscarves and veils in the form of hijabs, burkas and niqabs in schools, universities and other training institutions.

62. Philippines reported that this Advisory states that, in applying the provisions of the Philippine Magna Carta of Women (Republic Act No. 9710) and its Implementing Rules and Regulations, it is clear, unambiguous and unequivocal that Muslim women have the right to wear hijabs and that national agencies have a corresponding mandate to ensure that such exercise of religious belief is not breached by any State actor or private individual except when warranted by the standards set out by law.

63. The Commission on Human Rights then directed the Presidential Human Rights Committee within the Office of the President to issue a proposed appropriate communication that would underscore the policy of the Government to respect the wearing of headscarves or hijabs by Muslim women. It also directed various Government agencies to issue the appropriate directives and formulate policy guidelines on the wearing of headscarves or hijabs by Muslim women for implementation and compliance by Government agencies, schools, universities and training centres, and private companies.

Russian Federation

64. The Constitution of the Russian Federation, in particular articles 14 (1) and 28, guarantees freedom of conscience and freedom of religion, including the right to profess, individually or jointly with others, any religion or no religion, to freely choose, possess or disseminate religions or beliefs and to act in conformity with them. Article 29 of the Constitution guarantees the right of all persons to freedom of thought and speech. Propaganda or campaigning to incite social, racial, national or

religious hatred or enmity are impermissible. Propaganda of social, racial, national, religious or linguistic superiority is prohibited.

65. In accordance with the Presidential Decree on the Strategy of the State National Policy of the Russian Federation until 2025 (No. 1666 of 19 December 2012), the elimination and prevention of any form of discrimination on social, racial, national, linguistic or religious grounds are among the components of the State's national policy.

66. The legislation of the Russian Federation envisages application of a wide spectrum of criminal and administrative measures and responsibility for acts of extremism. The Russian Federation reported that this legislation fully corresponds with the provisions of General Assembly resolution 68/169. Article 282 of the Criminal Code establishes criminal liability for acts intended to incite hatred, enmity or hostility, or the humiliation of a person or a group of persons on the grounds of, inter alia, sex, race, ethnicity, language, origin or religion.

67. Article 15 of the Federal Law on the Counteracting of Extremist Activities stipulates an obligation to compile a federal list of materials considered extremist by the courts. On 3 February 2014, Federal Law N5FL strengthened measures and liability for extremist activities, including for crimes of extremism motivated by religious hatred or enmity. In the case of actions aimed at the complete or partial extermination of a religious group by killing its members, inflicting grave injuries to their health or by creating living conditions aimed at their physical destruction, liability will come under article 357 ("Genocide") of the Criminal Code.

68. A number of measures are also envisaged in the Administration Code for actions that will not be considered a crime. To assist law enforcement bodies in their work in investigating crimes committed on the grounds in question, a special methodological manual was published on how to qualify crimes motivated by political, ideological, racial, national or religious hatred or enmity towards a social group.

Saudi Arabia

69. Saudi Arabia reported that it is a country which is Arab and Islamic, and based on the Koran and the Shariah, which is based on justice and equality and rejects discrimination on the basis of religion and beliefs.

70. The Ministry for Muslim Affairs, on 7 December 2011, presented a document to all imams and religious leaders in the country ordering that they address others with respect and that they not "demonize" or criticize other people, religions or branches of religion. Failure to comply with this order is met with a sanction, and people have been penalized pursuant to it. It added that over 29,900 seminars and 30 specialized training sessions directed at 2,515 imams and religious leaders have been held. Similar initiatives are also being carried out by the Ministry of Education in schools across the country, and teachers have been sanctioned for discriminatory behaviour. Saudi Arabia has signed an accord with the King Abdulaziz Centre for World Culture in order to hold dialogues and train 40,000 imams to be increasingly tolerant in their religious addresses and activities.

71. Saudi Arabia noted that article 61 of the Labour Law prohibited servitude and the withholding of full or partial salary without a court decision, and also provided

that workers be treated with dignity and respect, including with regard to their religion. Article 6 of the Law to Combat Cybercrimes provided for a penalty of a maximum of five years or 3 million rials for use of social media and/or technology to incite people or insult the system/establishment in Saudi Arabia, religious values, morality, or private life.

72. The Kingdom is developing an educational curriculum to enshrine the values of Islam and tolerance of others, as well as to combat radicalism with respect to religion and branches of religion. It aims to deepen dialogue on religious and cultural issues, in a spirit of tolerance and harmony. It noted that since its launch in 2008, the King Abdulaziz Centre for World Culture was sponsoring dialogues among all religions and civilizations and had organized conferences in Madrid, New York and Geneva.

73. It reported that the King Abdullah Bin Abdulaziz International Centre for Interreligious and Intercultural Dialogue was established in 2011 in Vienna, and an extraordinary summit of the Organization of Islamic Cooperation was held in Mecca on 14 and 15 August 2012 on the subject of Islamic principles and combating radicalism, under the auspices of the King of Saudi Arabia.

Switzerland

74. Switzerland reported on measures to promote a domestic climate of religious tolerance, peace and respect. It stated that Jewish communities (numbering about 17,000 people) in the cantons of Zurich, Bern, Fribourg, Basel-Stadt, St. Gallen and Vaud have a public law status while, in other cantons, they are organized as associations. It stated that there are two umbrella organizations at the national level: the Swiss Federation of Jewish Communities and the Platform of Liberal Jews in Switzerland. Between 2001 and 2013, the Department for the Fight against Racism supported 60 projects to raise awareness against anti-Semitism and Holocaust denial. As part of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research, Switzerland has also set up a support group to carry out projects such as study tours and trips for continuing education.

75. There are 330,000 Muslims in Switzerland who represent 4.9 per cent of the population. Currently, there is no national association representing all Muslim people in Switzerland; however, there are two umbrella organizations, namely, the Coordination of Islamic Organizations of Switzerland and the Federation of Islamic Organizations in Switzerland.

76. In November 2009, an initiative called "Against the construction of minarets" was approved — 57.5 per cent in favour and 42.5 per cent against — by voters in Switzerland. It was reported that this vote was at the forefront of the question of relations between the majority of society and religious minorities. A new paragraph in article 72 of the Federal Constitution has reintroduced a convocational provision at the federal level for the first time since the repeal of the article in 2001. It is in this context that federal authorities launched, in 2009, a dialogue with the Muslim population in order to fight against fear and stigma around Islam and to discuss issues of integration.

77. On 16 December 2011, the Federal Council took note of the consensus report entitled "Engaging the Muslim population: an exchange between federal authorities

and Muslims in Switzerland," which summarizes the most significant aspects that emerged from the dialogue, notably the recognition of the principles of the Constitution, such as equality before the law, the rule of law and democracy. It presents the measures taken by the Confederation and the cantons to encourage integration and equality of opportunity for Muslims and to ensure the peaceful coexistence of all people living in Switzerland, including a review of the admission of persons engaged in the management of religious activities, compatibility between religion and the obligation to serve, and any training for imams and those responsible for religious guidance.

78. Switzerland noted that following the acceptance of the popular initiative called "Against the construction of minarets", the Federal Council decided in 2010 to publish a report on the situation of Muslims in Switzerland (issued in May 2013). It stated that the key findings of the report show that the vast majority of Muslims participate in Swiss society and that their religion does not expose them to specific problems in their daily lives in Switzerland and rarely leads to conflict.

Turkey

79. Turkey reported that it has signed and ratified all of the human rights conventions that protect the non-Muslim minorities' rights to belief and worship. The general instruction issued by the Ministry of the Interior in 2007 includes measures to eliminate instances that may hinder freedom of religion and belief and promotes work on coexistence. Delegations composed of Minority Problems Evaluation Board members have made several periodic contacts with various religious community representatives, providing the opportunity to resolve the issues brought up by the representatives of the non-Muslim religious community leaders. Under the coordination of the Ministry of European Union Affairs, delegations composed of the Ministry of European Union Affairs, Ministry of Foreign Affairs and Ministry of the Interior conducted numerous meetings with religious community leaders and senior clerics between 2006 and 2010.

80. Turkey also reported that religious foundations have been granted the right to hold immovable property to support their religious, charity, social, educational, medical and cultural needs by Law No. 4778, on Amendments to Several Laws. The term "mosque" was changed to "place of worship" in the construction law by Law No. 4928, on Amendments to Several Laws. With this amendment, any barriers to the construction of non-Muslim worship places were removed.

81. A project on raising the awareness of the public administration and law enforcement officers in combating discrimination was accepted on 18 April 2014, and is being undertaken within the framework of alignment with the European Union process. "Society-backed policing" (*Toplum Destekli Polislik*), which went into effect in 2006, aims at preventing discrimination and at promoting contact and cooperation with the different segments of society. In order to raise awareness on combating discrimination and violence, units specializing in society-backed policing conduct various projects throughout the country.

82. Anti-discrimination efforts with respect to the judiciary and administrative affairs are also being made in Turkey. According to the May 2010 circular issued by the Office of the Prime Minister, which was published in the official journal (No. 27580), necessary precautions were ordered in order to eliminate any problems

caused by the implementation of any operation regarding the non-Muslim minorities and to immediately take legal action against any publications expressing enmity and hatred towards non-Muslim minorities.

83. Article 122 of the Turkish Penal Code, entitled "discrimination", was amended to "enmity and hatred" by the Law on Amendments to Several Laws in order to Promote Basic Rights and Liberties (2014). According to this article, "any person committing the following with an intention of linguistic, racial, national, gender, colour, handicap, political or philosophical view, religion and sect based discrimination will be sentenced to 1 to 3 years of imprisonment for preventing: (a) the sale, rental or transfer of a publicly offered good to a specific person; (b) a specific person's enjoyment of a service offered to the public; (c) the employment of a specific person; or (d) a specific person's economic activities."

84. Students have freedom of religion and conscience and there can be no hindrance to the freedom of religion and conscience in schools (articles 12 and 24 of the Constitution), and according to article 12 of the Basic Law on National Education, secularism is one of the basic elements of the Turkish education system.

United Kingdom of Great Britain and Northern Ireland

85. The United Kingdom of Great Britain and Northern Ireland outlined key legislation to protect victims and tackle offenders, such as specific offences for stirring up hatred on the grounds of race, religion and sexual orientation (under part 3 and part 3A of the Public Order Act 1986 as amended); separate racially and religiously aggravated offences, which carry a higher maximum penalty than non-aggravated offences (under the Crime and Disorder Act 1998); and powers for the courts to increase the sentence of an offender convicted of a crime, where hostility towards the victim is based on their disability, race, religion/belief, sexual orientation or transgender identity (under the Criminal Justice Act 2003) to reflect the seriousness of hate crime.

86. In March 2012, a cross-Government action plan was published in England to tackle hate crime, bringing together the work of a wide range of departments and agencies to: prevent hate crime; increase reporting and victims' access to support; and improve the operational response to hate crimes. It includes specific work programmes to tackle anti-Semitism and anti-Muslim hatred, and actions to better engage with disabled, transgender, Gypsy, Traveller and Roma, and new migrant communities — as well as tackling racism, homophobia and transphobia in sports.

87. The Government has conducted a review of its actions under three core principles: (a) building the evidence base on hate crime by improving police recording of hate crimes with regard to disability, race, religion/belief, sexual orientation and transgender-identity; (b) strengthening its "robust" legal framework; and (c) investing direct funding support to professionals at the frontline, to voluntary sector organizations and to victims of hate crime.

88. It stated that one challenge that has continued to evolve is the task of removing hate material from mass media channels such as the Internet, while also protecting freedom of expression. The Government is working with the police and the Independent Advisory Group on Hate Crime to build relationships with leading social media providers and to improve their response to offensive and illegal hate-

related content online, including through support to the international working group of the Inter-Parliamentary Coalition for Combating Anti-Semitism. The Director for Public Prosecutions has also published guidelines for prosecuting cases involving social media communications, including hate crimes.

89. The Government has strongly condemned anti-Muslim hatred and targeted attacks on religious establishments, and has noted that the wider community coming together in support of affected Muslim communities demonstrates resilience and solidarity. It outlined a number of projects under way, including: (a) the first ever cross-Government working group on anti-Muslim hatred; (b) the launch of Tell MAMA, the first third-party reporting service to record incidents and support victims of anti-Muslim hatred; (c) the hosting the United Kingdom's first ever Srebrenica Memorial Day; (d) the Department of Communities and Local Government supporting social media workshops aimed at countering hatred online in Birmingham and Leeds, following two initial workshops held in London and Manchester; and (e) the Department of Communities and Local Government holding a number of regional road shows around the United Kingdom in March and April 2014 to promote the work of integration and combat anti-Muslim hatred, and to engage with the communities to find out what more could be done by the Government.

90. The United Kingdom is also taking wider measures to promote integration and cooperation between faith groups, through funding in the Church Urban Fund's Near Neighbours programme, to build productive "working friendships" between people of different faiths in target areas of high diversity and deprivation. It reports that to date, this programme has supported 580 projects that foster a greater sense of togetherness or community spirit. The Together in Service programme, launched during Interfaith Week in November 2013, supports the social action of different faith communities around the country, through small grants initiating new interfaith social action projects.

III. Conclusions

91. **Based on the information provided by Member States on the efforts and measures taken for the implementation of the action plan outlined in paragraphs 7 and 8 of General Assembly resolution 68/169, States continue to take steps that are primarily policy-oriented and/or legal in nature. All reporting States have constitutional provisions concerning freedom of religion and belief and have enacted (or are in the process of enacting or amending) domestic legislation, criminal codes and civil laws in order to protect against discrimination and violence on the basis of religion or belief.**

92. **The responses highlight that advocacy of incitement to hatred is for the most part criminalized and often prohibited on several grounds, including on the grounds of religion or belief. Some Member States noted that the Government and political officials have spoken out against religious intolerance. It was also noted that freedom of expression and opinion was important to countering religious intolerance, negative stereotyping and incitement to hatred or violence. The importance of interfaith and intercultural dialogue was underlined in several submissions. Interfaith dialogue is taking place at the local, national and regional levels, and the majority of Member**

States also financially support such initiatives. Member States are also actively involved in interfaith and intercultural dialogue at the international level.

93. Member States reported that generally there is religious freedom and pluralism domestically and that members of religious groups and communities are able to manifest their religion and contribute openly and on an equal footing to society. This religious freedom is often guaranteed by constitutional regimes and law, provided it is in accordance with domestic law. Several responses indicated the domestic legal frameworks providing for the practice of religion and the status, functioning and management of religious communities and associations, and a few responses noted the need to encourage representation and meaningful participation of individuals, irrespective of their religion or belief, in all sectors of society, and acknowledged challenges in this regard.

94. Training of Government and public officials, especially of the law enforcement, police and security services, is taking place in many countries. In this training context, issues of religious profiling are sometimes addressed.

95. Several responses noted that extremism and radicalization, often leading to hate crimes and violence, were being addressed through social cohesion and integration programmes and police and security responses, often coupled with regular engagement and interaction with religious leaders, local communities and young people, as well as data-gathering and monitoring.

96. Almost all countries provide for a channel or some form of communication and consultation between religious groups, minorities and communities and the governmental authorities. Numerous practical examples were provided about communication bodies and/or forums between State institutions and religious groups or communities, with regard to policing and security matters, or as general forums of exchange. A number of States are involved in networks comprised of, inter alia, civil society, Government officials, police and representatives of religious communities.

97. Member States reported that they are undertaking measures and adopting policies to promote full respect for and protection of places of worship and religious sites, cemeteries and shrines, and are taking protective measures in cases where these are vulnerable to vandalism or destruction.

98. Religious intolerance, stigmatization, negative stereotyping, and discrimination, in particular, are addressed through public information and media campaigns and through educational measures. Member States are also funding local and national projects aimed at increasing capacity-building, social cohesion, interfaith dialogue and the participation of religious groups, minorities and communities.